

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
September 23-27, 2002

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
9-23	EX	75/576,465	Thomas P. Muchisky	Hanak Quinn Rogers*	whether applicant's product configuration has acquired distinctive-ness as a trademark under Section 2(f)	Refusal Affirmed		configuration of applicant's goods [head and cable assembly for use in conjunction with professional use massage machines]		Chicoski	No
9-23	EX EX EX EX	75/672,578 75/672,573 75/878,230 75/878,231	Glacier Northwest, Inc.	Hanak Hohein (D as to application for GLACIER NORTHWEST (and design) for "concrete additives") Bucher*	2(d)	Refusal Reversed in all four cases		"GLACIER NORTHWEST" [concrete additives sold in bulk]; "GLACIER NORTHWEST" [building materials, namely, stone, gravel, sand and concrete all sold in bulk]; "GLACIER NORTHWEST" (and design) [concrete additives]; "GLACIER NORTHWEST" (and design) [building materials, namely, gravel, sand and concrete, all sold in bulk]	"GLACIER" [manufactured stone]	I. Clarke	No
9-23	EX	75/576,467	Thomas P. Muchisky	Hanak Quinn Rogers*	2(e)(1)	Refusal Affirmed		design consisting of a pictorial representation of applicant's goods [head and cable assembly for use in conjunction with professional use massage machines]		Chicoski	No

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9-23	EX	76/056,316	Terry J. Pullaro	Hanak Bottorff* Holtzman	2(d)	Refusal Affirmed		"MOJO" [sports training, practice, and conditioning equipment, namely, a weighted hand-held device for sport-specific improvement of arm strength and conditioning]	"MOJO" [snowboards, snowboard bindings, ice skates, roller skates]	Vasquez	No
9-23	EX	76/013,339	Rosen Hotels & Resorts, Inc.	Cissel Chapman Bottorff*	2(e)(4)	Refusal Affirmed		"ROSEN HOTELS & RESORTS" [providing facilities for business meetings; hotel, motel, and resort services; providing facilities for banquets and social facilities]		Lott	No
9-24	OPP	104,498	ETA Fabrique d'Ebauches, S.A. v. TCJC	Cissel Walters* Chapman	2(d); 2(e)(1)	Opposition Dismissed	"FLIK FLAK" (in stylized form) [watches, watch cases, watch dials, watch straps, and parts therefor]	"FLIP WATCH" [clocks, travel alarm clocks, wristwatches, pocket watches and pendant watches]			No
9-24	EX	76/077,425	Educators Personal Insurance Center Agency, Inc.	Seeherman Hanak Walters*	2(d)	Refusal Affirmed as to both cited registrations		"EPIC" (and design) [administration of auto insurance, homeowners insurance and personal insurance programs for educational professionals]	2 cited registrations, owned by the same entity: "THE EPIC LIFE INSURANCE COMPANY" [insurance underwriting services, namely, life, disability, and health] and "EPIC ELITE" [underwriting and administration of health insurance services in connection with a preferred provider network]	Altree	No

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9-24	CANC	26,206	Shield California Health Care Center, Inc. v. Mail Order Meds, Inc.	Cissel Hairston* Chapman	2(d)	Petition to Cancel Granted	"MOMS" [mail order services in the field of medical supplies]	"MOM" (and design) [providing services of mail order pharmacy; providing information regarding health and health related topics]			No
9-24	EX EX EX EX EX EX EX	75/887,968 75/887,969 75/887,970 75/887,971 75/887,973 75/888,281 75/888,283 75/888,379	NIIT Ltd.	Simms Hanak Hairston*	whether applicant's identification of goods is sufficiently definite	Refusal Affirmed in all 8 cases		<i>eight different marks incorporating the designation "NIIT" [all eight marks for computer software for use in conjunction with conducting classes, seminars, and conferences and workshops in the field of computer hardware and software usage and information technology; computer software for use in conjunction with computer consulting services, computer software consulting services, computer software writing services, technical consultation for others in the field of computer aided engineering and engineering drawings, the design of computer software and computer hardware for others and computer programming for others]</i>		Steplight	No

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9-25	OPP	110,126	U S West, Inc. v. Hatten Communications Holding Co., Inc.	Hanak* Walters Holtzman	2(d); dilution	Opposition Sustained but only on 2(d) grounds	"U S WEST" [telecommunication services and providing multiple user access to a global computer network for the transfer and dissemination of a wide range of information]	"US EAST" [telecommunication services, namely, cellular, personal communications systems (PCS), commercial mobile radio services, domestic and international long distance services, local telephone services and paging services, data and voice communication services; computer services, namely, providing multiple-user access to a global computer information network for the transfer and dissemination of a wide range of information]			No
9-25	EX	75/300,422	Council on Professional Standards for Kinesio-therapy	Simms Quinn* Drost	Section 6 disclaimer requirement of the words REGISTERED KINESIOTHERAPIST, on the grounds that the term is generic	Refusal Affirmed		"REGISTERED KINESIOTHERAPIST R.K.T." [<i>certification mark for</i> medical services, namely, the treatment of the effects of disease, injury and congenital disorders through use of therapeutic exercise and education]		Wood	No

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9-25	OPP OPP	116,763 118,040	Fred Knapp Engraving Co. Inc. v. Advanced Lab Concepts, Inc.	Simms* Chapman Rogers	2(d)	Opposition Sustained in both cases	"AIR LOGIC" and "AIR LOGIC" (and design) [both marks for machine parts, namely, pneumatic components and systems, pneumatic valves and pneumatic amplifiers; gauges, electric switches and sensory devices, namely, pressure switches, vacuum switches, pressure gauges, vacuum gauges and spring sensors; plastic fittings, namely, reducing straight tube, swivel tee and elbow connectors and restrictors]	"AIR LOGIC" and "AIR LOGIC" (and design) [both marks for: air distribution devices and handling equipment for laboratories, namely, air flow measuring devices which measure air velocity and pressure; air distribution and handling equipment for laboratories, namely, fume ventilation hoods, local fume exhaust vents, air distribution devices, namely, fans, airflow measuring devices, exhaust vents and snorkels and exhaust sinks; conducting training classes in maintaining laboratories, clean rooms and critical spaces; consulting in the field of maintenance and cleanliness standards for laboratories, clean rooms and critical spaces]			No
9-26	OPP	118,016	Nighttime Pediatrics, Inc. v. Dimensions Healthcare System	Cissel Rogers Drost*	2(d)	Opposition Sustained	"NIGHTTIME PEDIATRICS" [after-hours emergency pediatric care]	"NIGHTLIGHT PEDIATRIC CARE – WHEN IT CAN'T WAIT 'TIL MORNING" (and design) [after-hours emergency pediatric care]			No

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9-26	OPP	118,054	The Guardian Life Insurance Co. of America v. David P. England	Simms Cissel Bucher*	2(d)	Opposition Sustained	12 pleaded registrations incorporating the word "GUARDIAN," including: "THE GUARDIAN" [insurance underwriting services in the field of group health insurances], "GUARDIAN" and "THE GUARDIAN" [both marks for insurance underwriting services in the field of disability insurance], "GUARDIAN INSURANCE AND ANNUITY COMPANY" [insurance underwriting services in the field of life, health, disability and dental insurance and annuities], and other registered marks for related services	"POCKETGUARDIAN" [medical identification cards held in a vinyl holder providing emergency and non-emergency telephone numbers, health and medical information, and treatment authorization]			No

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9-26	EX	75/792,421	Human Genome Sciences, Inc.	Seeherman Hairston Holtzman*	2(d)	Refusal Reversed as to both cited registrations		"FAS TR" [genetically engineered reagents for scientific and research use, namely, nucleic acids and proteins for use in diagnosis and development of pharmaceutical preparations for the treatment of diseases; pharmaceutical preparations containing proteins and nucleic acids for the treatment of diseases]	2 cited registrations, owned by the same entity: "FASTRNA" [diagnostic and process reagent kits and components for rapid isolation and purification of nucleic acid for scientific research use]; "FASTRNA" [medical diagnostic and process reagent kits and components for rapid isolation and purification of nucleic acid for medical laboratory use]	Bell	No

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